

PATENT COOPERATION TREATY

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MAY 31 2000

SAUL EWING REMICK & SAUL LLP OF A CHANGE

(PCT Rule 92bis.1 and
Administrative Instructions, Section 422)

From the INTERNATIONAL BUREAU

To:

REED, Janet, E.
Saul, Ewing, Remick & Saul, L.L.P.
Centre Square West
1500 Market Street, 38th Floor
Philadelphia, PA 19102-2186
ETATS-UNIS D'AMERIQUE

Date of mailing (day/month/year) 15 May 2000 (15.05.00)	IMPORTANT NOTIFICATION
Applicant's or agent's file reference 98-0087PCT 013216.73220	
International application No. PCT/US99/16001	International filing date (day/month/year) 15 July 1999 (15.07.99)

1. The following indications appeared on record concerning:

☐ the applicant ☐ the inventor ☒ the agent ☐ the common representative

Name and Address

REED, Janet, E.
Dann, Dorfman, Herrell and Skillman
Suite 720
1601 Market Street
Philadelphia, PA 19103
United States of America

State of Nationality

State of Residence

Telephone No.

(215) 563-4100

Facsimile No.

(215) 563-4044

Teleprinter No.

2. The International Bureau hereby notifies the applicant that the following change has been recorded concerning:

☐ the person ☐ the name ☒ the address ☐ the nationality ☐ the residence

Name and Address

REED, Janet, E.
Saul, Ewing, Remick & Saul, L.L.P.
Centre Square West
1500 Market Street, 38th Floor
Philadelphia, PA 19102-2186
United States of America

State of Nationality

State of Residence

Telephone No.

(215) 972-8386

Facsimile No.

(215) 972-2292

Teleprinter No.

3. Further observations, if necessary:

4. A copy of this notification has been sent to:

☒ the receiving Office
☐ the International Searching Authority
☒ the International Preliminary Examining Authority

☐ the designated Offices concerned
☒ the elected Offices concerned
☐ other:

The International Bureau of WIPO 34, chemin des Colombettes 1211 Genève 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer C. Cupello <i>Cupello</i> Telephone No.: (41-22) 338.83.38
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PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

NOTIFICATION OF TRANSMITTAL OF INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Rule 71.1)

To: JANET E. REED
DANN, DORFMAN, HERRELL AND SKILLMAN
1601 MARKET STREET
SUITE 720
PHILADELPHIA, PA 19103

Date of Mailing
(day/month/year)

31 MAY 2000

Applicant's or agent's file reference
98-0087PCT

IMPORTANT NOTIFICATION

International application No.

PCT/US99/16001

International filing date (day/month/year)

15 JULY 1999

Priority Date (day/month/year)

17 JULY 1998

Applicant

RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY

1. The applicant is hereby notified that this International Preliminary Examining Authority transmits herewith the international preliminary examination report and its annexes, if any, established on the international application.
2. A copy of the report and its annexes, if any, is being transmitted to the International Bureau for communication to all the elected Offices.
3. Where required by any of the elected Offices, the International Bureau will prepare an English translation of the report (but not of any annexes) and will transmit such translation to those Offices.

4. REMINDER

The applicant must enter the national phase before each elected Office by performing certain acts (filing translations and paying national fees) within 30 months from the priority date (or later in some Offices)(Article 39(1))(see also the reminder sent by the International Bureau with Form PCT/IB/301).

Where a translation of the international application must be furnished to an elected Office, that translation must contain a translation of any annexes to the international preliminary examination report. It is the applicant's responsibility to prepare and furnish such translation directly to each elected Office concerned.

For further details on the applicable time limits and requirements of the elected Offices, see Volume II of the PCT Applicant's Guide.

Name and mailing address of the IPEA/US
Commissioner of Patents and Trademarks
Box PCT
Washington, D.C. 20231

Facsimile No. (703) 305-3230

Authorized officer

MELISSA KIMBALL

Telephone No. (703) 308-0196

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Assistant Commissioner for Patents
United States Patent and Trademark
Office
Box PCT
Washington, D.C.20231
ETATS-UNIS D'AMERIQUE

in its capacity as elected Office

Date of mailing (day/month/year) 14 April 2000 (14.04.00)	
International application No. PCT/US99/16001	Applicant's or agent's file reference 98-0087PCT
International filing date (day/month/year) 15 July 1999 (15.07.99)	Priority date (day/month/year) 17 July 1998 (17.07.98)
Applicant ZILINSKAS, Barbara, A. et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

16 February 2000 (16.02.00)

☐ in a notice effecting later election filed with the International Bureau on:2. The election ☒ was☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer Nestor Santesso Telephone No.: (41-22) 338.83.38
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PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)


Applicant's or agent's file reference 98-0087PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US99/16001	International filing date (<i>day/month/year</i>) 15 JULY 1999	Priority date (<i>day/month/year</i>) 17 JULY 1998
International Patent Classification (IPC) or national classification and IPC Please See Supplemental Sheet.		
Applicant RUTGERS, THE STATE UNIVERSITY OF NEW JERSEY		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority. (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).
 These annexes consist of a total of 0 sheets.

3. This report contains indications relating to the following items:

I ☒ Basis of the report
 II ☐ Priority
 III ☐ Non-establishment of report with regard to novelty, inventive step or industrial applicability
 IV ☐ Lack of unity of invention
 V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
 VI ☐ Certain documents cited
 VII ☐ Certain defects in the international application
 VIII ☐ Certain observations on the international application

Date of submission of the demand 16 FEBRUARY 2000	Date of completion of this report 11 MAY 2000
Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231 Facsimile No. (703) 305-3230	Authorized officer MELISSA KIMBALL  Telephone No. (703) 308-0196

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/16001

I. Basis of the report

1. With regard to the elements of the international application:*

☒ the international application as originally filed

☒ the description:

pages 1-34 , as originally filed
 pages NONE , filed with the demand
 pages NONE , filed with the letter of _____

☒ the claims:

pages 35-38 , as originally filed
 pages NONE , as amended (together with any statement) under Article 19
 pages NONE , filed with the demand
 pages NONE , filed with the letter of _____

☒ the drawings:

pages NONE , as originally filed
 pages NONE , filed with the demand
 pages NONE , filed with the letter of _____

☒ the sequence listing part of the description:

pages NONE , as originally filed
 pages NONE , filed with the demand
 pages NONE , filed with the letter of _____

2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language _____ which is:

- ☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).
- ☐ the language of publication of the international application (under Rule 48.3(b)).
- ☐ the language of the translation furnished for the purposes of international preliminary examination (under Rules 55.2 and/or 55.3).

3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in printed form.
- ☐ filed together with the international application in computer readable form.
- ☐ furnished subsequently to this Authority in written form.
- ☐ furnished subsequently to this Authority in computer readable form.
- ☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
- ☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. ☒ The amendments have resulted in the cancellation of:

- ☒ the description, pages NONE
- ☒ the claims, Nos. NONE
- ☒ the drawings, sheets/fig NONE

5. ☐ This report has been drawn as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).**

* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17).

**Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/16001

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. statement**

Novelty (N)	Claims	<u>1-21</u>	YES
	Claims	<u>NONE</u>	NO
Inventive Step (IS)	Claims	<u>1-21</u>	YES
	Claims	<u>NONE</u>	NO
Industrial Applicability (IA)	Claims	<u>1-21</u>	YES
	Claims	<u>NONE</u>	NO

2. citations and explanations (Rule 70.7)

Claims 1-21 meet the criteria set out in PCT Article 33(2)-(3), because the prior art does not teach or fairly suggest methods of *Agrobacterium*-mediated transformation of turfgrass callus nor does it teach a superbinary vector for use in such methods.

Claims 1-21 meet the criteria set out in PCT Article 33(4), because the methods and vectors have industrial applicability in the creation of new turfgrasses with desirable phenotypes.

----- NEW CITATIONS -----
NONE

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/US99/16001

Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

CLASSIFICATION:

The International Patent Classification (IPC) and/or the National classification are as listed below:

IPC(7): C12N 5/10, 15/00, 15/09, 15/63, 15/64; A01H 5/00 and US Cl.: 800/320, 278, 294; 435/172.1, 172.3, 320.1